

CV 08 0474

U.S.

NY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FEB 04 2008

PLATT, J.
BOYLE, M.

HEATHER GIBSON and JONATHAN GIBSON

LONG ISLAND OFFICE

Case Number:

Plaintiffs,

-against-

(S.T.)

VERIFIED COMPLAINT

CROSS SOUND FERRY SERVICES, INC.,

Plaintiffs demand
a trial by jury

Defendant.

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The plaintiffs, HEATHER GIBSON and JONATHAN GIBSON, by their attorney, JOHN H. MULVEHILL, ESQ., as and for their Verified Complaint in the above-entitled action alleges upon information and belief as follows:

PRELIMINARY STATEMENT

1. The action seeks money damages due HEATHER GIBSON for personal injuries, conscious pain and suffering, medical expenses and other related damages sustained on November 16, 2007 as a result of the negligence of the defendant, CROSS SOUND FERRY SERVICES, INC., in the ownership, operation, maintenance and/or control of their ferry "Sea Jet". The action also seeks money damages for loss of services to her husband, JONATHAN GIBSON.

JURISDICTION

2. Jurisdiction exists pursuant to 28 U.S.C. 292(A)(3) as to the defendant, CROSS SOUND FERRY SERVICES, INC., in that it is founded in an admiralty or maritime claim.

3. That on November 16, 2007 at or about 6:30 P.M. while a passenger on the "Sea Jet" ferry, plaintiff HEATHER GIBSON was caused to be thrown from her seat resulting in severe personal injury.

DEFENDANT

4. On November 16, 2007, CROSS SOUND FERRY SERVICES, INC. (hereinafter referred to as "CROSS SOUND") was the owner of the ferry known as "Sea Jet".

5. On November 16, 2007, CROSS SOUND FERRY SERVICES, INC. (hereinafter referred to as "CROSS SOUND") maintained the ferry known as "Sea Jet".

6. On November 16, 2007, CROSS SOUND FERRY SERVICES, INC. (hereinafter referred to as "CROSS SOUND") controlled the ferry known as "Sea Jet".

7. On November 16, 2007, CROSS SOUND FERRY SERVICES, INC. (hereinafter referred to as "CROSS SOUND") operated the ferry known as "Sea Jet".

PLAINTIFF

8. On November 16, 2007 HEATHER GIBSON was a passenger on the ferry known as "Sea Jet".

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF HEATHER GIBSON**

9. On November 16, 2007 HEATHER GIBSON was injured while seated as a passenger on the "Sea Jet" ferry between Orient Point, NY and Connecticut near Plum Island.

10. Upon information and belief the CROSS SOUND ferry known as "Sea Jet" was being operated on navigable waters.

11. The defendant, CROSS SOUND, was careless, reckless and negligent in failing to properly control the vessel; in neglecting to maintain a reasonable and proper lookout under all the circumstances; in neglecting to give due and timely notice of turning the vessel; in operating the engines at full throttle when it was dangerous; in going out of the regular ferry lane; in failing to go up to full throttle; in entering the

regular ferry path; in neglecting to comply with the existing Admiralty and Maritime Rules and Regulations; in neglecting to maintain the vessel in suitable condition; in so carelessly operating the vessel as to cause and permit the accident in question; in operating the vessel without regard to the conditions then and there prevailing; in failing to see and observe what was there to be seen; in allowing and permitting the vessel to make waves; in hitting and striking a wave; in failing to properly, timely and effectively decelerate; in neglecting to see what was there to be seen; in failing to avoid the accident when it had a last clear chance; in unreasonably proceeding under the conditions then existing; in failing to stop in time; in failing to stop; in being so negligent and unreasonable in the operation of the vessel as to cause the accident in question; on violating such rules, regulations, statutes and/or ordinances in such cases made and provided.

12. The aforementioned accident and the injuries resulting therefrom were caused in no way by any negligence on the part of the plaintiff, HEATHER GIBSON.

13. That by reason of the foregoing the plaintiff, HEATHER GIBSON, was rendered sick, sore, maimed and disabled and was injured, bruised and wounded about her head, body and limbs; and upon information and belief some or all of these injuries are permanent in nature and character; she has suffered and continues to suffer physical pain and mental anguish; she has expended and become obligated for sums of money for medical care and attention in an effort to cure herself of injuries and to eliminate her pain and suffering and he has been incapacitated all to his damage in the sum of ONE MILLION DOLLARS (\$1,000,000).

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF JONATHAN GIBSON**

14. The plaintiff, JONATHAN GIBSON, was and still is a resident of the County of Suffolk, State of New York.

15. That at all times hereinafter mentioned, plaintiff JONATHAN GIBSON, is the lawful husband of the plaintiff, HEATHER GIBSON, and is entitled to her services and consortium.

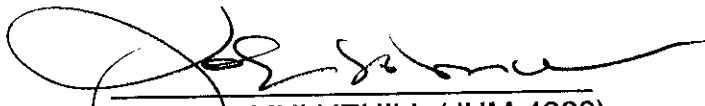
16. The plaintiff, JONATHAN GIBSON, repeats and reiterates each and every allegation contained in paragraphs designated "1" through and including "13" with the same force and effect as if again set forth herein at length.

17. That as a result of the aforementioned incident the plaintiff, JONATHAN, has been caused to sustain loss of services and consortium both to his damage in the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).

WHEREFORE, the plaintiff, HEATHER GIBSON, respectfully demands judgment in the first cause of action against the defendant, CROSS SOUND FERRY SERVICES, INC., in the sum of ONE MILLION DOLLARS (\$1,000,000) and the plaintiff, JONATHAN GIBSON, respectfully demands judgment in the Second Cause of Action in the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), together with interest, costs and disbursements.

Dated: Saint James, New York
January 8, 2008

Yours, etc.,


JOHN H. MULVEHILL (JHM-4229)
Attorney for Plaintiffs

HEATHER GIBSON and
JONATHAN GIBSON
Office & P.O. Address
220 Cambon Avenue
Saint James, New York 11780
(631) 862-8889

VERIFICATION

STATE OF NEW YORK)
ss:
COUNTY OF SUFFOLK)

HEATHER GIBSON, being duly sworn deposes and says: I am the plaintiff in the within action; I have read the annexed VERIFIED COMPLAINT, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following: books, records and other relevant documents.



Heather Gibson
HEATHER GIBSON

Sworn to before me this

14 day of January, 2008

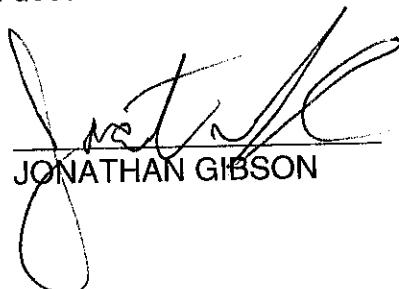
THOMAS M LOESCH
Notary Public - State of New York
No. 01LO06176372
Qualified in Suffolk County
My Commission Expires Oct. 29, 2011

VERIFICATION

STATE OF NEW YORK)
ss:
COUNTY OF SUFFOLK)

JONATHAN GIBSON, being duly sworn deposes and says: I am the plaintiff in the within action; I have read the annexed VERIFIED COMPLAINT, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following: books, records and other relevant documents.



JONATHAN GIBSON

Sworn to before me this

14 day of January, 2008

THOMAS M LOESCH
Notary Public - State of New York
No. 01LO06176372
Qualified in Suffolk County
My Commission Expires Oct. 29, 2011